

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13147 of Angelo H. Puglisi, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under 4101.41 to continue the use of a parking lot and for a variance from Sub-paragraph 4101.413 to permit all-day commuter parking in an SP-2 District at the premises 727-729 - 6th Street, N. W., (Square 486, Lots 804, 805, 806, 807 and 808).

HEARING DATE: January 23 and March 19, 1980

DECISION DATE: April 2, 1980

FINDINGS OF FACT:

1. The subject property is located on the east side of 6th Street between G and H Streets, N. W. It is known as 727-729 - 6th Street, N. W. and is in an SP-2 District.

12211  
2. BZA Order No. ~~12111~~, dated December 1, 1976, granted the continuation of the subject lots 804, 806 and 807 as a parking lot for three years.

3. BZA Order No. 12554, dated March 8, 1978, granted the use of the subject lot 808 to be used in conjunction with lots 804, 805, 806 and 807 and its use to expire on December 1, 1976 concomitantly with lots 804, 805, 806 and 807.

4. The subject lots are eighty-five feet in depth and range from 12.50 feet to 16.67 feet in width. The subject parking lot accommodates twenty-six cars. Its hours of operation are from 7:30 a.m. to 6:00 p.m., Monday through Friday. There is an attendant on duty. Access to the lot is from 6th Street and from the 16.75 foot wide public alley to the east of the property. The lot is not chained off.

5. The applicant owns three other parking lots adjacent to the subject lot. All four parking lots are operated as one big parking lot. All four lots have commuter parking contracts. Many spaces are leased by the Dept. of General Services as all day parking for their official vehicles.

6. The immediate neighborhood consists of restaurants, carry-outs, bars and vacant structures. Located nearby are the General Accounting Office, Bergman's laundry, St. Mary's Church and the Potomac Building.

7. About one-third of the subject parking spaces are under monthly contracts for commuter parking. There was testimony that the other uses in the near vicinity of the subject parking lot do not generate sufficient patronage to the lot to make it a viable operation without the commuter parking.

8. The applicant testified that if commuter parking was not allowed then the lot would have to be closed down. The applicant has been unable to acquire other parcels to make a land assembly large enough to encourage SP-2 development. The applicant further testified that the existing market conditions are also unfavorable for development.

9. The applicant testified that he had received no complaints about the appearance, maintenance and operation of the subject lot.

10. There was opposition to the application from an adjoining property owner on the basis that the cars using the lot rammed into the side of his building. Bricks have had to be replaced and the inside and outside walls of the building had to be refinished. The problem has been in existence for several years. The opposition testified that he reported the damages to the office of the operator of the lot but to no avail. It is the applicant's position that the damages to the building were not caused by his operation of the parking lot, but by persons using the lot after the commercial operation had closed.

11. The Board held a further hearing on the application on March 19, 1980. The further hearing was limited to three issues:

- a. The extent of the physical damage due to the abutting property.
- b. The variance to permit all-day commuter parking.
- c. Immediate future plans for the subject property.

CONCLUSIONS OF LAW

Based on the record the Board concludes that the applicant is seeking a special exception and a use variance. As to the special exception the Board concludes that the applicant has substantially complied with the requirements of Paragraph 4101.41 of the Zoning Regulation and that the special exception, as hereinafter conditioned, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. As to the use variance, the variance to permit all-day commuter parking, this requires a showing of a hardship upon the owner of the property that arises from the property itself. The Board notes that approximately one-third of the subject parking lot is used for commuter parking, that the other uses in the near vicinity of the subject parking lot do not generate short term parking needs and that part of the subject lot in addition to the other three adjacent parking lots, operated basically as one unit, are leased to the D. C. Government for official vehicles. The Board concludes that since one part of the subject property is leased for community parking and that the physical location of the parking lot precludes its use by short term parkers, the hardship is inherent on the property. The Board further concludes that with a final four-year limitation conditioning the grant herein the use variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. As to the complaints of the abutting neighbor, the Board will require the applicant to erect a wall to protect the adjoining building. Accordingly it is ORDERED that the special exception and variance are GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of FOUR years from the date of the expiration of the previous Certificate of Occupancy, namely December 1, 1979.
- b. The applicant shall erect a thirty-inch high masonry wall located two feet from the adjoining building to the south within sixty days from the date of this Board's order.
- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (William F. McIntosh, Connie Fortune, Charles R. Norris and Leonard L. McCants to grant, Theodore F. Mariani to grant by proxy).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 2 JUN 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.